

**REMARKS**

Applicant has amended claims 32, 45 and 57 to clarify the claims and correct clerical errors. In addition, claim 45 has been amended to recite that the cells are labeled *ex vivo* and that the fluorocarbon imaging reagent is detectable by magnetic resonance imaging. Support for the amendment can be found, for example, at page 2, lines 16-20.

Applicant has added new claims 69-88. Support for the new claims can be found, for example, at original claims 1-20.

Applicant has canceled claims 1-31 and 65-68 without prejudice. Applicant reserves the right to pursue claims of similar scope in continuing applications.

Claims 32, 45, 57 and 69-88 are pending. These amendments do not add any new matter.

**The Restriction Requirement**

The Examiner has required restriction of the claims of this application into the following four groups under 35 U.S.C. § 121 and 372:

Group 1, (claims 1-20, 30-31 and 65-68) directed to a method for labeling a cell comprising the cell *ex vivo* with a fluorocarbon imaging reagent under conditions such that the fluorocarbon imaging reagent becomes associated with the cell;

Group 2, (claims 21-26) directed to an imaging reagent having an average formula  $XO(Y-O)_nZ$ ;

Group 3, (claims 32 and 45) directed to a method for detecting a cell in a subject comprising administering to the subject a cell that is labeled with a fluorocarbon imaging reagent and examining the subject by a nuclear magnetic resonance technique; and

Group 4, (claim 57) directed to a method for detecting transplanted cells in a transplant recipient.

The Examiner alleges that the four groups of inventions do not relate to a single general inventive concept under PCT Rule 13.1 because they lack the same or corresponding special technical features because the compounds and methods are distinct from one another. The Examiner alleges that the compounds of perfluoropolyether, fluorescent detection moiety, and PET detection moiety are structurally different and as a result, prior art that anticipates or renders one imaging reagent obvious would neither anticipate nor render obvious the other compounds.

Applicant disagrees with the unity objection. Nonetheless, applicant hereby elects with traverse group 3, (claims 32 and 45) directed to a method for detecting a cell in a subject comprising administering to the subject a cell that is labeled with a fluorocarbon imaging reagent and examining the subject by a nuclear magnetic resonance technique.

Applicant requests rejoinder of group 4. Applicant submits that groups 3 and 4 share a common special technical feature that is novel and inventive over the prior art. Specifically, the claims of groups 3 and 4 are directed to methods of administering cells labeled *ex vivo* with a fluorocarbon imaging reagent to a subject and detecting said cells by magnetic resonance imaging and *ex vivo* labeled cellular formulations for administration to a subject that are detectable by magnetic resonance imaging. The common special technical feature of all the claims herein is the labeling cells *ex vivo* with a fluorocarbon imaging reagent for administering to a subject for magnetic resonance imaging which was not taught by the prior art.

Applicant submits that the structural differences in the compounds of perfluoropolyether, fluorescent detection moieties, and PET detection moieties are not relevant to the common special technical feature that is novel and inventive over the prior art. Nonetheless, the composition claims that were objected to by the Examiner as being structurally different have been canceled. Applicant respectfully requests reconsideration of the unity objection.

### **Species Election**

The Examiner indicated that the election of the above-referenced invention requires the election of a (a) fluorocarbon imaging reagent associated with the surface of the cell and (b) a cell type recited in the claims for initial search purposes only. In response, applicant elects, for initial search purposes only, a perfluoro-15-crown-5-ether and a mammalian cell. Claims 32, 45, 57 and 69-88 encompass the elected species.

Applicant makes the above election without waiver of their right to file for and to obtain claims directed to the non-elected subject matter in continuing applications claiming priority and benefit herefrom.

**CONCLUSION**

Applicant believes no fee is due with this response in addition to the fees provided for on the Fee Transmittal sheet. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. CAMU-P01-002 from which the undersigned is authorized to draw.

Dated: January 5, 2011

Respectfully submitted,

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